

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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AFP 104 CORP.,	:	Civil Action No. 13-CV- 04077-
	:	PGS-LHG
Plaintiff,	:	
	:	
	:	
v.	:	
	:	<b>DECLARATION OF DAVID H.</b>
COLUMBIA CASUALTY COMPANY,	:	<b>TIMMINS IN SUPPORT OF</b>
	:	<b>DEFENDANT’S REPLY IN</b>
Defendant.	:	<b>SUPPORT OF ITS MOTION TO</b>
	:	<b>DISMISS PLAINTIFF’S</b>
	:	<b>COMPLAINT FOR FAILURE</b>
	:	<b>TO STATE A CLAIM</b>

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I, David H. Timmins, declare:

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would testify competently thereto under oath. I am counsel for Defendant Columbia Casualty Company (“Columbia”) and am assisting Columbia with the above-captioned suit. In that capacity, I have personal knowledge of the facts stated in this declaration, and they are true and correct.

2. Exhibit 1 to Columbia’s Reply in Support of its Motion to Dismiss is true and correct copies of public advisories issued by the National Weather Service, which were retrieved from [www.nhc.noaa.gov/archive/2012/SANDY.shtml](http://www.nhc.noaa.gov/archive/2012/SANDY.shtml) and [www.hpc.ncep.noaa.gov/tropical/tropical\\_advisories.php?storm=SANDY&adnum=32](http://www.hpc.ncep.noaa.gov/tropical/tropical_advisories.php?storm=SANDY&adnum=32) on August 12, 2013.

3. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 12, 2013 in Dallas, Texas.

A handwritten signature in blue ink, appearing to read 'D. Timmins', is written over a horizontal line.

David H. Timmins